

Claims 3-7, 11 and 13-20 are pending in this application. Claims 3-7, 11, 13 and 14 have been indicated as allowable while claims 15-20 have been rejected based on the prior art. Specifically, claims 15-20 had been rejected as being unpatentable over Martin in view of Blasdell while claim 15 was also rejected as being unpatentable over Knight.

Turning first to the combination of Martin and Blasdell, it appears to be the Examiner's position that taking the overall device of Martin and making it portable and then replacing the breath sensor labelled 140 in Martin with the face mask labelled 20 in Blasdell would be obvious to one of skill in the art. Applicant respectfully traverses this combination because if one were to replace the breath sensor of Martin with the face mask of Blasdell, Martin would not work. Martin specifically teaches that his breath sensor is used to activate dispensing of the fragrance, see column 6, lines 40-53 and column 7, lines 55-59. Without Martin's breath sensor, there would have to be employed some other dependent means of activation of the fragrance of the device. Martin does not teach such other means of control or activation. It is respectfully submitted that where the device when modified by the examiner, does not work, such a combination is not obvious. For

and, thus, it was not obvious to do so since the filter turned upside down became inoperable. Thus, applicant submits that the Examiner's proposed modification of the prior art is inappropriate since it leads to a non-working embodiment.

Claim 15 has also been rejected as being obvious in light of Knight. Applicant respectfully traverses this rejection because Knight lacks a number of elements of the present invention. Specifically, Knight does not have a case which is worn by the user and does not have a scent generator for generating scented air which is housed in the case. It is true that Knight has a wishbone shaped interface and that Knight has tubing which extends from that nasal interface down to a cup 120 where scent is coming off. Knight does not teach nor suggest a case which is adapted to be worn by the user nor a scent generator which is housed in the case. Thus, applicant respectfully submits that Knight is missing two of the elements of the present invention. Missing two of the key elements cannot lead one of skill in the art to the present invention.

Respectfully, the present invention is patentable over Martin, Blaskett & Knight, taken as a whole in combination.


In view of the foregoing, applicant respectfully requests reconsideration of the Examiner's position and submits that the application is in condition for allowance and reconsideration and allowance are respectfully requested. A three-month extension of time is hereby requested and Form PTO-2038 charging the extension fee is enclosed herewith. Should any additional fees or extensions of time be necessary in order to maintain this application in pending condition, appropriate requests are hereby made and authorization given to debit account #02-2275.

Respectfully submitted,

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